



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/007,198

10/19/2001

Noriko Sugimoto

B422-170

3545

26272 7590 05/04/2007
COWAN LIEBOWITZ & LATMAN P.C.
JOHN J TORRENTE
1133 AVE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

BOYCE, ANDRE D

ART UNIT

PAPER NUMBER

3623

MAIL DATE

DELIVERY MODE

05/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/007,198

Applicant(s)

SUGIMOTO, NORIKO

Examiner

Andre Boyce

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Final office action is in response to Applicant's amendment filed February 12, 2007. Claims 11-13 have been amended. Claim 14 has been added. Claims 2-7 and 11-14 are pending.
2. Applicant's arguments filed February 12, 2007 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 2, 3, 5-7 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett et al (USPN 5,678,002), in view of in view of Phung et al (US 2002/0007237).

As per claim 11, Fawcett et al disclose a trouble management system capable of communicating, through a network, with a customer apparatus connected to a product (i.e., product support center, including product support services (PSS) client/server messaging system, column 3, lines 60-62), or a service person's apparatus, comprising: first receiving means for receiving, from said customer apparatus, trouble information of the product (i.e., communications path established between the customer and the PSS, column

Art Unit: 3623

6, lines 4-9, wherein a remote diagnostic agent 50 on customer computer 40 can execute a resident diagnostic application and query, receive and update information about an attached printer, column 10, lines 28-32); diagnosing means for diagnosing the product, in accordance with the response received by said second receiving means (i.e., diagnostic application, column 10, lines 28-30), when the determining means determines that the inquiry is necessary (i.e., execution of resident or downloaded diagnostic application, wherein the results indicate that no trouble exists, column 10, lines 30-32).

Fawcett et al does not explicitly disclose determining means for determining whether or not an inquiry is necessary, on the basis of the trouble information received by said receiving means; transmitting means for transmitting the inquiry item relating to the product to said customer apparatus, if said determining means determines that the inquiry is necessary; and second receiving means for receiving, from said customer apparatus, a response which is input to said customer apparatus on the basis of the inquiry item transmitted by said transmitting means. Phung et al a trouble tree diagnostic routine guides the user to identify possible repair checks and actions (i.e., determination and transmission of an inquiry, ¶ 0048), wherein the system consists of a symptoms search (i.e., inquiry) and a customized diagnostic (¶ 0049). In addition, Phung et al disclose a call routine invoked to get diagnostic data from the vehicle system (i.e., receiving, from said customer apparatus, a response, ¶ 0052). Both Fawcett and Phung are concerned with conducting

product diagnosis over an electronic network. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include determining whether or not a check item is necessary, on the basis of the trouble information received by said receiving means; transmitting the check item relating to the product to said customer apparatus, if said determining means determines that the check item is necessary; and receiving, from said customer apparatus, a check result which is input to said customer apparatus on the basis of the check item transmitted in Fawcett et al, as seen in Phung et al, thus efficiently determining the cause and solution of a encountered problem, thereby making Fawcett et al more robust.

As per claim 2, Fawcett et al disclose analysis means for analyzing information about the trouble in the product (i.e., PSS 38 commands a remote diagnostic agent 50 on customer's computer 40 to execute a diagnostic application, column 10, lines 28-32); and search means for searching for the operation for resolving the trouble in the product on the basis of the result of said analysis (i.e., automatically sniff around customer's computer in order to gather diagnostic data and help troubleshoot, column 10, lines 44-47).

As per claim 3, Fawcett et al disclose analysis by said analysis means is performed on the side of a user using the product (i.e., PSS 38 commands a remote diagnostic agent 50 on customer's computer 40 to execute a diagnostic application, column 10, lines 28-32).

As per claim 5, Fawcett et al does not disclose management means for managing a guarantee period of the product, wherein said cost depends on the managed guarantee period. Phung et al discloses the product manufacturer absorbing all the costs related to troubleshooting and resolving failures covered by a warranty (§ 0005). Both Fawcett and Phung are concerned with conducting product diagnosis over an electronic network, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include managing a guarantee period of the product (i.e., warranty), wherein said cost depends on the warranty in Fawcett, as seen in Phung, thereby determining when the customer does not have to incur diagnostic and troubleshooting costs, as seen in Phung. As a result, the customer service in Fawcett et al is improved, since the cost to the customer may be reduced.

As per claim 6, Fawcett et al disclose management means for managing information about specifications of the product (i.e., device manager diagnostic allows PSS engineer to retrieve the properties and characteristics of all hardware devices attached to computer, column 12, lines 48-50), wherein analysis by said analysis means depends on the managed information about the specifications (i.e., query a list of available devices and invoke device diagnostics, column 10, lines 35-36).

As per claim 7, Fawcett et al disclose storage means for storing contents of the operation actually performed to resolve the trouble in the product or results

of the operation (i.e., the diagnostic interpreter remains in memory on the PSS side, column 11, lines 20-23 and 28-31).

Claim 12 is rejected based upon the same rationale as the rejection of claim 11, since it is the method claim corresponding to the system claim.

Claim 13 is rejected based upon the same rationale as the rejection of claim 11, since it is the storage medium claim corresponding to the system claim.

As per claim 14, Fawcett et al disclose diagnosis possibility determining means for determining whether or not a diagnosis is possible (i.e., execution of resident or downloaded diagnostic application, wherein the results indicate that no trouble exists, column 10, lines 30-32, wherein diagnostic actions completed on the customer's computer are documented in a transaction log, column 11, lines 20-23); additional determination means for determining whether or not a further inquiry is necessary, if the diagnosis possibility determining means determines that the diagnosis is not possible (i.e., execution of resident or downloaded diagnostic application, wherein the results indicate that no trouble exists, column 10, lines 30-32, wherein diagnostic actions completed on the customer's computer are documented in a transaction log, column 11, lines 20-23); and additional transmission means for transmitting a further inquiry item to the customer apparatus, if the additional determination means determines that the further inquiry is necessary (i.e., the diagnostic interpreter's callback function parses the message, interprets the data and displays the result of the PSS engineer, column 9, lines 27-30, including the knowledge base diagnostic, column 14, lines 58-67).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett et al (USPN 5,678,002), in view of Skaaning et al (USPN 6,535,865).

As per claim 4, Fawcett et al does not explicitly disclose said notice means sends a notice of a cost or a time required for the operation. Skaaning et al disclose estimating the cost of actions as a combination of multiple factors, including time to perform the action (column 21, lines 1-5). Both Fawcett and Skaaning are concerned with effective troubleshooting via a customer computer, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include sending notice of a cost in Fawcett, as seen in Skaaning, in order to determine which is the optimal step to perform (see Skaaning, column 21, lines 1-3), thus improving the efficiency in Fawcett.

Response to Arguments

6. In the Remarks, Applicant argues that Fawcett et al, Phung et al and Skaaning et al fail to teach or suggest receiving trouble information from a customer apparatus to determine whether or not an inquiry to the customer apparatus is necessary and, if it is determined that the inquiry is necessary, transmitting the inquiry item to the customer apparatus. The Examiner respectfully disagrees and submits that Fawcett et al disclose a remote diagnostic agent 50 on customer computer 40 can execute a resident diagnostic application and query, receive and update information about an attached printer (column 10, lines 28-32), thus indeed receiving trouble information from a customer apparatus. Phung et al a trouble tree diagnostic routine guides the

user to identify possible repair checks and actions (i.e., determination and transmission of an inquiry, ¶ 0048), wherein the system consists of a symptoms search (i.e., inquiry) and a customized diagnostic (¶ 0049). In addition, Phung et al disclose a call routine invoked to get diagnostic data from the vehicle system (i.e., receiving, from said customer apparatus, a response, ¶ 0052). Moreover, Phung et al disclose a vehicle interface system (i.e., customer apparatus) that communicates with the vehicle system 400 (i.e., product) in figures 2A and 2B.

Applicant also argues that the trouble management system is not at the local or customer level, as seen in the cited references, but connected, via a network, to a customer apparatus connected to a product. The Examiner respectfully disagrees with Applicant's characterization of the references. Moreover, the Examiner submits that the recitation "communicating, through a network, with a customer apparatus connected to a product," has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

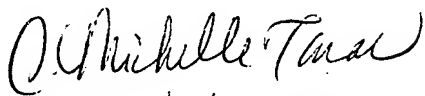
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


adb
April 24, 2007


C Michelle Tarae
Primary Patent Examiner
Art Unit 3623